

R E A S O N S

FOR THE

Reversal of L E I S L E R ' S Attainder.

Humbly offered to the Consideration of the Honourable House of Commons.

IN the Month of February 1688. there came News to New-York, that the then Prince of Orange was Landed in England; and in April then following, the Inhabitants of New-York received an account that the People of New England had seized upon Sir Edmond Andros (the then Governor of New England and New-York) Mr. Dudley the President, and several others of his Council, as well affected to King James's Interest; and thereupon the People declared for the Prince of Orange and Protestant Interest, &c. Whereupon those of the Militia, and others of New-York, finding that Captain Nicholson (the then Deputy-Governor of New-York, under Sir Edmond Andros) would not there declare for the then Prince of Orange, &c. The Militia seized upon the Fort, and by turns the Captains of the Militia (of which Captain Leisler was one) kept Guard there; and thereupon sent their Circular Letters to chuse an Assembly, which Assembly, or Committee of Safety, being met June 1689. Under their Hands and Seals appointed the said Captain Leisler Captain of the Fort; and in August then following, under their hands and Seals constituted the said Captain Leisler Commander in Chief of the Province of New-York, till Order should come from their then Majesties. In December then following, there arrived a Messenger from England with a Letter from His Majesty, under the Signet, thus directed;

Captain Leisler by the Assembly first made Captain of the Fort, and soon after Commander in Chief of New-York.

To our Trusty and Well-beloved Francis Nicholson, Esq; our Lieutenant Governor, and Commander in Chief of our Province of New-York in America. And in his Absence to take care for the time being, take care for preserving the Peace, and Administering the Laws in our said Province of New-York in America.

Which Letter, after a short introduction, run in these words;

We do hereby Authorize and Impower you to take upon you the Government of the said Province, calling to your Assistance in the Administration thereof, the Principal Freeholders and Inhabitants of the same, or so many of them as you shall think fit: Willing and Requiring you to do and perform all things which to the Place and Office of Our Lieutenant Governor and Commander in Chief of Our Province of New-York, doth or may appertain, as you shall find necessary for Our Service, and the good Government of Our Subjects, according to the Laws and Customs of Our said Province until further Order from Us; and so We bid you farewell. Given at Our Court at Whitehall the 30th. Day of July, 1689; in the First Year of Our Reign.

Captain Leisler by the King constituted Deputy-Governor of New-York.

By His Majesties Command,

Nottingham.

Captain Leisler (being as before) Constituted Commander in Chief of the Province of New-York, and Nicholson having been gone from New-York about six Months before the Kings Letter Arriv'd: The Messenger told Capt. Leisler, that if he would receive the Letter, and give a Receipt for the same, he should have it; which Capt. Leisler accordingly did, and Capt. Leisler being by His Majesty thus Constituted Lieut. Governor, he continued by Virtue of this Authority under the Signet, Lieut. Governor without any Opposition, for about thirteen Months, and then Capt. Ingoldsby Arriv'd at New-York with two Companies of Foot, who by his Commission was obliged to obey the Governor of New-York for the time being; Capt. Ingoldsby disowning Capt. Leisler's Government, without any Authority demanded Possession of the Fort, which Leisler refused; but offer'd him and his Soldiers all the Accom-

Note.

Captain Leisler by virtue of the King's Letter, acts as Lieutenant-Governor for 13 Months before Ingoldsby arrived.

Ingoldsby, before Slaughter's arrival, demands Possession of the Fort. (without producing an Authority to do); which Leisler refused to give.

Accommodations the City of New-York could afford. Capt. *Ingoldsby* continued some short time peaceably at New-York; at Length, upon Complaints by the Inhabitants of New-York, against the rudeness of Capt. *Ingoldsby's* Soldiers, there happen'd some Disturbance, and thereupon *Ingoldsby* planted Guns against the Fort, &c. So that soon after many Guns were fired both against, and from the Fort. On the nineteenth of March 1690, in the Evening, Coll. *Slaughter* Arrived at New-York, and that very Night read his Commission, and Swore four of his Council, and then sent Capt. *Ingoldsby* to the Fort to demand Possession thereof; Capt. *Leisler* hereupon sent one that knew Coll. *Slaughter*, out of the Fort, to see whether the Coll. was Arrived, and the Messenger returning told him that Coll. *Slaughter* was come; upon which Capt. *Leisler* about ten that night sent two Persons to Coll. *Slaughter* to Congratulate his Arrival, and to offer him Possession of the Fort, and to receive his Commands, and Capt. *Ingoldsby* did then promise those Messengers should safely return, but contrary hereunto those Persons were Seized by Coll. *Slaughter*; upon notice hereof, Capt. *Leisler* took care to put all things in order for the delivery of the Fort the next Morning to the Governor, and accordingly in the Morning sent a Letter to the Governor, desiring him to send one to take Possession of the Fort, whereupon Capt. *Ingoldsby* was sent, and then Capt. *Leisler* order'd the Gates to be open'd, and Capt. *Ingoldsby* with his Soldiers were let in; *Leisler* Commanded about three Hundred Men then *with him in the Fort*, to lay down their Arms, which they immediately did; and March'd out of the Fort.

There happened no Act of Hostility after Collonel Slaughter Landed.

Leisler is indicted of High Treason charged to be committed two days before Slaughter landed, and consequently before Leisler's Authority determin'd.

Captain *Leisler* and many under him were made Prisoners, and soon after *Leisler*, *Milbourn*, and others, were tried for High Treason and Felony charg'd against them to be Committed the **Seventeenth of March, 1690.** At this Court Mr. *Dudley* was Chief Justice or President; *Leisler* and *Milbourn* receiv'd Sentence of Death, and were Executed accordingly.

Object. It's objected against the Bill, That *Leisler* suffered according to Law, in that he would not plead.

The occasion of Leisler's not pleading.

Ans. One of the Witnesses that oppos'd this Bill, declared, That Captain *Leisler* produced to the Court the King's before-mention'd Letter, and desired (before he plead'd) to be by the Court resolv'd, *Whether by that Letter he had any Authority.*—This Question *Leisler* often press'd, and that Court as often refused to give him any Answer thereunto; and **this occasion'd Leisler's not Pleading.** — But the Merit of the **Whole Case is now** before this Honourable House: And (it's humbly hop'd) it ~~will~~ appear, That **The High-Treason** charged in the Indictment to be committed the **Seventeenth Day of March, 1690**, was nothing more than *Leisler's* then refusing to surrender the Fort to Captain *Ingoldsby*, who not only without, but even against the King's Authority demanded the same. — For Captain *Ingoldsby* was oblig'd by express Words in his Commission, to obey the Commander in Chief of New York for the time being; and *Leisler* (as is humbly thought) was then such, and so continued till the **Nineteenth**, when Collonel *Slaughter* landed.

The Whole Merit of the Case now before the House

The High-Treason for which Leisler was executed.

Whether this Relation was prov'd before that Honourable Committee that last Sat upon this Bill, Is Humbly Submitted to those worthy Members then present — And if this Account was then prov'd: It's Humbly hop'd this Bill may pass.

